

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 48. ARIZONA UNIFORM PLUMBING CODE COMMISSION

##### PREAMBLE

1. **Sections Affected**

Article 1	<b><u>Rulemaking Action</u></b>
R4-48-101	New Article
R4-48-102	New Section
Table A	New Section
Table B	New Table
Illustration A	New Table
	New Illustration
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-619

Implementing statute: A.R.S. § 41-619
3. **The effective date of the rules:**

February 24, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 561, February 20, 1998.

Notice of Proposed Rulemaking: 4 A.A.R. 898, April 17, 1998.

Notice of Public Meeting on Open Rulemaking Docket: 5 A.A.R. 30, January 4, 1999.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Michael Goldwater, Director
Address:	Arizona Registrar of Contractors
	800 West Washington, 6 <sup>th</sup> Floor
	Phoenix, Arizona 85007
Telephone:	(602) 542-1525, Ext. 7105
Fax:	(602) 542-1536
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The Arizona Uniform Plumbing Code Commission (Commission) is adopting a state plumbing code by rule. The International Association of Plumbing and Mechanical Officials' (I.A.P.M.O.) 1994 Uniform Plumbing Code (UPC), including its appendices A, B, C, D, E, F and H, and installation standards, is incorporated by reference as the state plumbing code. The Commission has made some modifications to the UPC, adapting it to the circumstances of Arizona. The objective of Senate Bill 1127 is to ensure statewide adoption and implementation of the UPC. While all chapters, amendments and appendices (excluding appendices G, I, and J) are to be adopted and enforced, it is not the intent of S.B. 1127 to designate which jurisdictional bodies shall bear responsibility for enforcement of specific sections of this Code, nor to cause inappropriate duplication of any process or function relative to this Code.
7. **A reference to any study that the agency proposes to rely on in its evaluation or justification for the final rule and where the public may obtain or review the study, all data underlying the study, any analysis of the study and other supporting material:**

None.
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Arizona is 1 of 5 states that does not have a statewide uniform set of product and installation standards for plumbing systems. One statewide set of uniform plumbing standards will significantly reduce the number of hours required for training and education about the standards, reduce the number of re-inspections by the administrative authorities (cities, counties, etc.), and reduce

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the quantity of rework performed by the industry (engineers, contractors, etc.). One set of uniform product and installation standards will reduce training time and costs, enhance public safety and health as a result of elimination of the existing convoluted and myriad regulations imposed by the political subdivisions of the state.

**9. The summary of the economic, small business, and consumer impact:**

Although the Commission has proposed 62 changes to the UPC, few of them have an economic impact on Arizona's consumers, businesses, small businesses, public and private employment, state revenues, administrative authorities, or political subdivisions. The reasons why they have little or no economic impacts fall largely into several broad categories. In this section the changes (numbered from 1 to 62) will be summarized by category of impact while the attached Addendum 1 to this report titled Economic Impacts of the Individual Proposed Changes of the UPC evaluates the economic impact of each change separately.

The 1st category is the deletion of references to the Commission having administrative authority for the UPC. The Commission was given no administrative authority by the enabling statute, LAWS 97, Ch. 112, § 7. Thus, by making change #1, the Commission explicitly relinquished all administrative authority. By doing so, administrative authority for the UPC reverts to whoever previously had it. In particular, it does not create a dual administrative authority. Any agreements delegating authority to local authorities in effect prior to the implementation of the UPC would remain unaltered. Thus, there is no economic impact from this change.

Since not all sections of Chapter 1 of the UPC refer to administrative authority, those sections of this chapter that do not refer to administrative authority are simply moved to other, relevant chapters of the UPC. These changes include changes #3 through #32 and #44 and #45. A related change, #48, deletes (the shadow of) sections of Chapter 7 of the UPC that was moved to another chapter in the code.

Whenever there is a conflict between a statute and a rule, the statute takes precedence. The UPC is a rule, thus where there is a conflict between the UPC and an Arizona statute, there is no effective change in the UPC, and therefore no economic impact of changing the UPC to conform to any statute. Changes that fall into this category include #33 and #35.

Changes made to the UPC solely to conform to other changes in it will have no economic impact in and of themselves; any economic impact would be associated with the original change. Change #39 falls into this category. Related to this is change #34 a rule that was deleted because it is covered elsewhere in the UPC. Accordingly, there is no economic impact from this change.

There are also a number of actual changes to the UPC that have no economic impacts. These include: change #52 adding requirements for the drainage of commercial dishwashers to avoid conflict between UPC rules and those of the Arizona Department of Health Services; change #58 asserting that jurisdictions with no uniform building code must use the UPC (which they must already do according to the enabling statute); change #59 which removes unnecessary, confusing or redundant language; and change #61 which adopts the National Fire Protection Association's *Standard for Health Care Facilities, 1996*, (NFPA 99) which is already used as the state's fire code and to govern the use of medical gases in Arizona' health care facilities.

As a result of Change #1 administrative authority for the UPC reverts to whoever had it prior to the passage of LAWS 97, Ch. 112, § 7, since that administrative authority presumably was already appropriately qualified, this change has no economic impact.

Of those changes to the UPC that have a potential economic impact, a number are made for reasons of public health and safety. Because of the relatively high value society places on life and limb, any negative economic impacts accruing from these changes are more than offset by the positive economic benefits derived from increased public health and safety. Changes that fall into this category include #36, #38, #40, #42, #43, and #62.

Presumably consumers and businesses act in their own best interests and choose an available alternative that best suits their individual purposes. Thus, as the range of alternatives available to consumers or businesses expands, they would presumably only choose 1 of the new alternatives because they deem it best suits their needs. Consequently, if the range of alternatives available to consumers and business increases, it cannot have a negative economic impact. Changes to the UPC that expand the alternatives available to consumers and businesses, either in terms of materials or prescribed ways of doing something include changes #2, #41, #53, #57 (all relating to waterless urinals), #37, #47, #54, #55, #56, (all relating to a procedure), #47 and #51 (all relating to substitute materials.)

Finally, here are a number of changes that have a potential economic impact that do not fit into 1 of the above categories. Change #46 incorporates into the UPC what is common practice in Arizona, and thus not making this change would impose an economic cost. Thus it has a net economic benefit. Change #49 defining the availability of sewers promotes economic efficiency in the provision and management of sewers and therefore has a net economic benefit. Change #50 that waives mandatory sewer testing could have a net economic cost if a sewer that was not tested developed problems that imposed a health and safety risk. However, it is considered that the chances of this occurring were so slight (since the sewer must still be inspected, just not tested) that the economic cost of this change is minimal. The alternative to horizontal rainwater drain piping in change #60 provides an option for a smaller size pipe and thus represents a cost saving. Consequently it has a net economic benefit.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules:**

See accompanying document - Concise Explanatory Statement, Part I.

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**11. A summary of the principle comments and the agency response to them:**

Since December 15, 1997, when the Commission first held its meetings, it has taken voluminous comments from the public, both written and oral, as related to the amendment process of the 1994 Uniform Plumbing Code. With regard to written comment, the Commission devised a submittal form to facilitate public input and to assure that the recommendations were organized and constructive. The objective of the submittal form was (and is) to assure that all written submittals would (and will) be given careful consideration by the Commission and to assure that relevant information was provided to the Commission to properly assess the merits of each submission.

In this rulemaking proceeding, 56 submittals were presented to the Commission by members of the public for the Commission's review and consideration. The meeting minutes of the Commission reveal that the public has also been allowed to make sufficient oral comments to the Commission.

It is important to note that this is not the only set of amendments to be written to the UPC. The Commission plans to meet regularly (at least until its term expires in 2007) to adopt new editions of the code book, take written submittals and public testimony, and make new amendments as needed.

Following is a summary of principle comments and the agency's responses to them from December 15, 1997, to present. Please note that these comments are duplicative, whether they were addressed prior to, during, or after, the December 1, 1998, GRRC hearing:

A. Air Admittance Valves (AAVs). According to public comment, the proposed code change language for air admittance valves will result in an installation that is a viable alternative to the current method of open-pipe venting. The use of AAVs reduces the cost of construction and conserves the amount of piping required for a plumbing system. AAVs also reduce the possibility of roof leaks in a building through flashings. There is no sacrifice to the public health, safety or welfare with the use of AAVs. The Commission responded to public comments by maintaining that the UPC requires air to freely flow in both directions in a plumbing vent system. By definition, the AAV prevents this from occurring, and therefore would conflict with the intent and objectives defined in the various applicable UPC sections. For this reason it seemed inappropriate to insert a definition which might, by its existence, infer that such a conflict does not exist.

B. Appendix F. The public also made several comments relating to the Commission's decision to delete current language of Appendix F of the UPC and replace it with language from NFPA 99, "Health Care Facilities." The public recommended amending the language to reflect the reference be for the medical gas systems only. The commission agreed and made revisions to address chapters of the NFPA 99 which specifically address gas and vacuum piping systems.

C. Grammatical and Stylistic Changes. The public was concerned about how certain parts of the proposed rule were written, and made recommendations to modify grammar and style to various items. After consideration of each submittal, the Commission chose to change the language to either reflect the editorial correction or to retain original UPC language.

For more detailed summaries of these public comments received prior to the December 1, 1998, GRRC meeting, and various other topics, please refer to the Concise Explanatory Statement, Part II. The comments and responses received at the Commission meetings after this date are duplicative of comments heard prior to and at the GRRC meeting, with the exception of a few:

A. Regarding backwater valves, there is a possibility a surveyor will have to be hired by the municipalities to determine which fixtures are above the manhole and which fixtures are below. The Commission responds that local utilities already have rim elevations for their manholes. It is agreed that a surveyor may have to be hired if an elevation cannot be determined, but this has always been, and will continue to be, the responsibility of the owner.

B. In reference to Appendix C, it requires that when more than 6 people are going to occupy a building, it must have a drinking fountain. This is excessive and unnecessary. The Commission responds with the exact wording of this footnote in Appendix C: "Where food is consumed indoors, water stations may be substituted for drinking fountains. Theatres, auditoriums, dormitories, offices, or public buildings for use by more than 6 persons shall have 1 drinking fountain for the 1st 150 persons and 1 additional fountain for each 300 persons thereafter." The commentator obviously misread this footnote.

C. In reference to Appendix D, area rainfall should have been specified. This is a local issue that the Administrative Authority has delegated in the past, and it is the Commission's intention that such delegation continue in the future. This is an issue, however, that the Commission may address in its next cycle of rulemaking.

D. The Senate Bill allows for pre-existing local amendments to stay. The Commission replies that pursuant to Section 41-619(D), "The Commission may adopt amendments to the state plumbing code, including amendments previously adopted in geographical regions that are only applicable to designated geographical regions within the state." Note the term "may."

E. How does the State intend to handle the conflicts that presently exist (or will exist in the future) between the Uniform Plumbing Code and other codes, such as the mechanical and building codes that are not state codes? The Commission responds that it is, and always has been, the local Administrative Authority that handles conflicts between codes. However, as conflicts arise, the Commission will entertain proposals to handle the conflicts at a State level.

F. Section 1007 violates probably at least 3 or 4 other code sections by allowing an untrapped lavatory to act as a priming device for the floor drain. The Commission responds that it made the right decision in allowing an untrapped lavatory to act as a priming device. In the experience of plumbing contractors on the Commission, they have seen buildings flooded when trap primers failed. They have also seen traps dry up when trap primers failed. Although this may not be the perfect solution, it is the best one for the moment.

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G. Section 1007.1 is an administrative issue. The way it is worded now is that a room needs to be located 100 feet from a trap and does not indicate where that hose vent needs to be. The hose bibb needs to be under administrative authority approval. In writing this item of the rule, the intent of the Commission is that this is 1 of the acceptable methods, not THE acceptable method. This Commission, however, promises and is willing to address this comment in the next round of rulemaking.

H. By including NFPA99 as a reference to the UPC, municipalities are going to have to buy multiple copies that will just sit in an office and never be used. This is an economic burden to the municipalities. The Commission acknowledges that there will be a cost to purchasing and retaining a copy or copies of the NFPA99, but believes it will be a minimal cost. The book costs \$35 and to have even 3 copies on hand is \$105. The Commission does not consider this an economic burden to the municipality.

I. The Commission is asked to give some flexibility to local jurisdictions to amend the Uniform Plumbing Code. The Commission responds that it was not the legislative intent for local authorities to add requirements, only to make variances on an individual project basis.

J. The Commission did not address the following item: The gas air test after the walls are covered at finals as required by UPC Section 1204.3.2. The Commission responds that the plumbing code right now regulates gas piping to be tested before walls are covered up. Pima County would like to do the test after the walls are covered up, apparently to save costs, but the Commission upholds that this does not meet minimum standards for public safety, and the plumbing code is intended to be in the best interest of Arizonans.

K. Why is it that plastic 2-way clean outs may not be used as required by UPC Section 707.4? The Commission responds that item #46(c) in the rule reads, "An approved type of 2-way cleanout fitting, installed inside the building wall near the connection between the building drain..." Note the word "approved." The Commission did not specifically exclude plastic 2-way cleanouts.

L. The Uniform Plumbing Code and its amendments will raise the cost of housing \$1,000 to \$2,000 per home. The Commission agrees that the UPC and its amendments will raise the cost of housing, but neither of these documents is substantial enough to drastically increase the cost. The cost will rise minimally because now those involved in construction of housing must follow a minimum set of standards to ensure public safety, welfare and health, the goal of enforcing a statewide plumbing code. Prior to legislation, some companies, and even the cities and counties themselves, were cutting corners to cut costs, thus endangering safety, welfare and health of homeowners.

M. What evidence did the commission review to arrive at the exception to 507.3.1, or item #37 in the rule? The Commission reviewed information offered by the 2 mechanical engineers serving on the Commission and voted this item in to provide a reasonable alternative to a common design problem, and make it easier to provide combustion air.

N. Is the state of Arizona working with the International Building Code in adopting those codes that are going to be uniform throughout the nation in the year 2000? The Commission is not working with the IBC. The Commission is mandated by the legislature to adopt only the 1994 Uniform Plumbing Code and its appendices with amendments, and makes no reference to the IBC.

O. If the intent of the code is uniformity and it just basically says Administrative Authority can do what they want, and you just have to satisfy them, you are not going to have uniformity. The Commission understands there are varying conditions in different jurisdictions, thus wants to provide flexibility to different administrative authorities.

These new comments were discussed and scheduled by the Commission to be reviewed during the Commission's next cycle of rulemaking procedures to adopt either the 1997 or 2000 Uniform Plumbing Code published by IAPMO. These meetings will begin in February 1999, and are scheduled to conclude in late 1999 with the adoption of a new set of rules.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None.

**13. Incorporations by reference and their location in the rules:**

I.A.P.M.O. 1994 Uniform Plumbing Code	R4-48-102(A)
N.F.P.A. #99, Health Care Facilities (1996 Edition)	R4-48-102(B)(61)

**14. Were these rules previously adopted as an emergency rule:**

No.

**15. The full text of the rules follows:**

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**ARTICLE 1. ARIZONA UNIFORM PLUMBING CODE**

**Section**

- R4-48-101.** Definitions
- R4-48-102.** Arizona Uniform Plumbing Code
- Table A. Size of Combustion Air Openings or Ducts for Gas- or Liquid-Burning Water Heaters
- Table B. Plumbing Material Standards
- Illustration A. Horizontal Rainwater Piping

**ARTICLE 1. ARIZONA UNIFORM PLUMBING CODE**

**R4-48-101. Definitions**

The following definition applies in this Article: "Person" has the meaning set forth in A.R.S. § 1-215.

**R4-48-102. Arizona Uniform Plumbing Code**

- A.** All persons shall comply with the International Association of Plumbing and Mechanical Officials' (I.A.P.M.O.) Uniform Plumbing Code (1994 Edition) which is incorporated by reference, including appendices A, B, C, D, E, F and H, and installation standards, as the state plumbing code. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available from I.A.P.M.O. at 20001 Walnut Drive South, Walnut, CA, 91789-2825 and are on file with Arizona Uniform Plumbing Code Commission and the Office of the Secretary of State.
- B.** The Uniform Plumbing Code incorporated by subsection (A) is modified as follows:
1. Delete pages: "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, after making the changes listed in subsection (B)."
  2. Sec. 202.0. Modify the definition of "Insanitary" by replacing numbered paragraphs (2) and (3) with the following:  
"(2) Any opening in a drainage system, except where lawful, which is not provided with an approved liquid sealed trap.  
(3) Any plumbing fixture or other waste discharging receptacle or device, which is not supplied with water sufficient to flush it and maintain it in a clean condition except those specifically designed to function without water."
  3. Move Sec 101.4.1.3 to a new Sec. 301.1.5.
  4. Move Sec. 101.5.2 to a new Sec. 301.1.6.
  5. Move Sec. 101.5.4 to a new Sec. 301.1.7.
  6. Move Sec. 101.5.5 to a new Sec. 301.1.8.
  7. Move Sec. 103.5 to a new Sec. 318.0.
  8. Move Sec. 103.5.1 to a new Sec. 318.1.
  9. Move Sec. 103.5.1.2 to a new Sec. 318.2.
  10. Move Sec. 103.5.1.3 to a new Sec. 318.3.
  11. Move Sec. 103.5.1.4 to a new Sec. 318.4.
  12. Move Sec. 103.5.5 to a new Sec. 318.5.
  13. Move Sec. 103.5.5.1 to a new Sec. 318.6.
  14. Move Sec. 103.5.5.2 to a new Sec. 318.7.
  15. Move Sec. 103.5.3 to a new Sec. 319.0.
  16. Move Sec. 103.5.3.1 to a new Sec. 319.1.
  17. Move Sec. 103.5.3.2 to a new Sec. 319.2.
  18. Move Sec. 103.5.3.4 to a new Sec. 319.3.
  19. Move Sec. 103.5.3.5 to a new Sec. 319.4.
  20. Move Sec. 103.5.3.7 to a new Sec. 319.5.
  21. Move Sec. 103.5.6.1 to a new Sec. 319.6.
  22. Move Sec. 103.5.6.2 to a new Sec. 319.7.
  23. Move Sec. 103.5.6.3 to a new Sec. 319.8.

24. Move Sec. 712.4 to a new Sec. 320.0.
25. Move Sec. 712.4.1 to a new Sec. 320.1.
26. Move Sec. 712.4.2 to a new Sec. 320.2.
27. Move Sec. 712.4.3 to a new Sec. 320.3.
28. Move Sec. 712.4.4 to a new Sec. 320.4.
29. Move Sec. 103.6 to a new Sec. 321.0.
30. Move Sec. 103.6.1 to a new Sec. 321.1.
31. Move Sec. 103.6.2 to a new Sec. 321.2.
32. Move Sec. 103.6.3 to a new Sec. 321.3.
33. Sec. 402.1 is modified to read: "The maximum flow rates and quantities for all plumbing fixtures and fixture fittings shall be consistent with A.R.S. Title 45, Chapter 1, Article 12."
34. Section 402.2 is deleted.
35. Sec. 501.0 is modified to read: "General. The regulations of this chapter shall govern the construction, location, and installation of all fuel-burning and other water heaters heating potable water, together with all chimneys, vents, and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the Administrative Authority. A list of generally accepted gas equipment standards is included in Table 14-1. A water heater (boiler) which exceeds any of the following limitations shall not be placed in service until the vessel is separately inspected pursuant to A.R.S. Title 23, Chapter 2, Article 11.  
(a) 120-gallon (454.2L) nominal water capacity.  
(b) 160 PSI (1,103.2 kPa) operating pressure.  
(c) 210° F. (98.9° C.) operating temperature.  
(d) 200,000 btu/h (58,620W) heat input."
36. Sec. 507.2 is modified to read: "In new construction, all enclosed buildings shall be provided with combustion air obtained from outside. In existing buildings of ordinary tightness insofar as infiltration is concerned, all or a portion of the combustion air for fuel-burning water heaters may be obtained from infiltration if the enclosure volume equals at least 50 cubic feet per 1000 btu/h (4.831L/W) input of the water heater. Existing buildings of unusually tight construction shall also be provided with outside combustion air. No change in combustion air is required when an existing fuel-burning water heater is replaced with a new water heater having the same or smaller btu/h input capacity. When an existing fuel-burning water heater is replaced by a higher-capacity water heater, or when 1 or more additional fuel burning water heaters are installed in an existing building containing other fuel-burning appliances, the room or space shall be provided with combustion air as required for new construction."
37. Sec. 507.3.1. Add an exception to read: "Combustion air openings may be provided in an outside door provided:  
(a) The door is not less than 2 feet 0 inches in width and 6 feet 8 inches in height; and  
(b) The openings are spaced as far apart as possible or a full louvered door is provided; and  
(c) The equipment room ceiling is not more than 16 inches above the top of the door."

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38. Sec. 507.6 is added to read: "Liquefied Petroleum Gas (LPG). All provisions of this chapter shall apply to combustion air for equipment using liquefied petroleum gas. Exceptions:
- (a) The bottom of the lower combustion air opening shall be located at or below the floor of the room containing LPG-fueled equipment.
  - (b) The lower combustion air duct, when used, shall have the bottom installed level or with a downward slope, starting from a point at or below the equipment room floor and continuing to the outside of the structure. The duct shall terminate above the finish grade, and shall be provided with wire mesh screen to cover the opening.
  - (c) No pockets or trapped sections shall be permitted in any lower combustion air duct."
39. Table 5-1 is modified. Refer to Table A – Size of Combustion Air Openings or Ducts for Gas- or Liquid-Burning Water Heaters.
40. Sec. 517.6 is modified to read: "No venting system shall terminate less than 3 feet (0.9m) above any forced air inlet or evaporative cooler located within 10 feet (3.0m) or less than 4 feet (1.2m) from any property line except a public way."
41. Sec. 601.1. Add exception to read: "Potable running water is not required for waterless urinals that have been approved by the Administrative Authority."
42. Sec. 603.4 is added to read: "Secondary Backflow Protection. The following occupancies shall have Reduced Pressure Principle Backflow Prevention Assemblies installed as near as practical to the water service meter connection: Hospitals, surgical clinics, laboratories, morgues, mortuaries, veterinary hospitals, industrial occupancies, packing plants, slaughter houses, chemical plants, municipal waste treatment facilities, and construction water services. NOTE: Multiple water services which are interconnected onsite shall be provided with not less than a Double Check Valve Assembly at each service connection."
43. Sec. 608.5 is modified to read: "All relief valves shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, PB, or listed relief valve drain tube with fittings which shall not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than 2 feet (0.61 m) nor less than 6 inches (152.4 mm) above the ground and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped and the terminal end of the drain pipe shall not be threaded."
44. Move Sec. 103.5.1.1 to a new Sec. 610.15.
45. Move Sec. 103.5.3.3 a new Sec. 610.16.
46. Sec. 707.4 is modified to read: "Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal and each run of piping, which is more than 100 feet (30.4 m) in total developed length, shall be provided with a cleanout for each 100 feet (30.4 m), or fraction thereof, in length of such piping. Exceptions:
- a. Cleanouts may be omitted on a horizontal drain line less than 5 feet (1.5 m) in length unless such line is serving sinks or urinals.
  - b. Cleanouts may be omitted on any horizontal drainage pipe installed on a slope of 72 degrees or less from the vertical angle (angle of 1/5 bend).
  - c. An approved type of 2-way cleanout fitting, installed inside the building wall near the connection between the building drain and building sewer or installed outside of a building at the lower end of a building drain and extended to grade, may be substituted for an upper terminal cleanout."
47. Sec. 710.6, paragraph 1, is modified to read: "Backwater valves, gate valves, motors, compressors, air tanks, and other mechanical devices required by this section shall be located where they will be accessible for inspection and repair at all times."
48. Delete Sections 712.4, 712.4.1, 712.4.2, 712.4.3, 712.4.4.
49. Sec. 713.4 is modified to read: "The public sewer may be considered as not being available only when so determined by the Administrative Authority (local, county, or state)."
50. Sec. 723.0 is modified to read: "Building sewers shall be tested by plugging the end of the building sewer at its points of connection with the public sewer or private sewage disposal system and completely filling the building sewer with water from the lowest to the highest point thereof or by approved equivalent low pressure air test, or by such other test as may be prescribed by the Administrative Authority. The building sewer shall be watertight at all points. Exception: Sewer tests may be waived at the discretion of the Administrative Authority."
51. Sec. 807.4 is modified to read: "The discharge pipe of a domestic dishwashing machine may be directly connected to the tailpiece of a sink drain, or into the waste "boss" of a food waste disposer without installation of an airgap fitting. The dishwasher discharge line shall be securely fastened as high as possible, but not lower than 2 inches (50.8 mm) below the flood rim of the sink."
52. Sec. 807.5 is added to read: "No dishwashing machine utilized for commercial purposes may be directly connected to a drainage system. Commercial dishwashers shall discharge into an approved receptor (floor sink) through an airgap of not less than 1 inch."
53. Sec. 1005.0 is modified to read: "Trap Seals. Each fixture trap shall have a liquid seal of not less than 2 inches (50.8mm) and not more than 4 inches (101.6mm) except where a deeper seal is found necessary by the Administrative Authority for special conditions. Traps shall be set true with respect to their liquid seals and, where necessary, they shall be protected from freezing."
54. Sec. 1007.0 is modified to read: "Trap Seal Protection. Floor drain or similar traps directly connected to the drainage system and subject to infrequent use shall be provided with an approved means of maintaining their water seals, except where not deemed necessary for safety or sanitation by the Administrative Authority. When automatic trap priming devices are installed, they shall be accessible for maintenance."
55. Sec. 1007.1 is added to read: "Approved Means of Maintaining Trap Seals. Approved means of maintaining trap seals include the following, but are not limited to the methods cited:
- (a) Listed Trap Seal Primer.
  - (b) A hose bibb or bibbs within the room.



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- (c) Drainage from untrapped lavatories discharging to the tailpiece of those fixture traps which require priming. All fixtures shall be in the same room and on the same floor level as the trap primer."
56. Sec. 1210.1 is modified to read: "All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black) or yellow brass (containing not more than 75% copper) or listed corrugated stainless steel tubing systems for interior use only. Approved PE pipe may be used in exterior buried piping systems. Exception: CSST piping installed outside a building shall be sleeved, or shall be installed with protection from mechanical damage equivalent of that required for CSST piping within the building. When installed underground CSST shall be sleeved and shall have a minimum burial depth of 18 inches (457.2 mm)."
57. Table 14-1. Add standards in alphabetical order listed under appropriate sections. Refer to Table B – Plumbing Material Standards.
58. The 3<sup>rd</sup> paragraph of Appendix C is added to read: "Those jurisdictions that have not adopted a building code which stipulates minimum plumbing facilities shall utilize Appendix C of the 1994 UPC when establishing plumbing facility requirements."
59. Appendix D1.1(c) is modified to read: "Roof drains, overflow drains, and rainwater piping installed within the building shall be tested in conformity with the provisions of this Code for testing drain, waste, and vent systems."
60. Appendix D3.3 is modified to read: "Horizontal Rainwater Piping. Horizontal Rainwater Piping shall be sized in accordance with Table D-2. Exception: The potential head of water which may rise in the vertical drain pipe (tailpiece) may be used to reduce the horizontal pipe size and its slope if the head (rise) is sufficient when calculated as follows:
- (a) If the head ['h'] is equal to or greater than 3/8 inch for each foot (31.35 mm/m) of horizontal pipe length, the horizontal pipe may be pitched at 1/8 inch slope (10.45 mm/m), but sized according to the 1/2 inch slope (41.8 mm/m) table.
- (b) If the head ['h'] is equal to or greater than 1/8 inch for each foot (10.45 mm/m) of horizontal pipe length, the horizontal pipe may be pitched at 1/8 inch slope (10.45 mm/m), but sized according to the 1/4 inch slope (20.9 mm/m) table. (See Illustration A).
- EXAMPLE #1:**    Roof Area – 4800 Square Feet (445.9 m<sup>2</sup>)  
                          Maximum Rainfall/Hour – 6 Inches (152.4 mm/h)  
                          Pipe Laid at 1/8 inch  
                          Slope (10.45 mm/m)
- Using the 1/2 inch slope (41.8 mm/m) table the horizontal pipe size will be 6 inches. The available static head ['h'] needed to allow use of the 1/2 inch (41.8 mm/m) table is calculated as follows: 3/8 inch of head pressure per foot (31.35 mm/m) of horizontal pipe run becomes 3/8-inch x 100 feet = 300/8ths, or 'h' = 37½ inches (952.5 mm). NOTE: Sizing from the 1/8 inch (10.45 mm per m) table would have required the horizontal pipe size to be 8 inches (203.2 mm), rather than the 6 inches (152.4 mm) made possible by use of the 1/2 inch (41.8 mm/m) slope table.
- EXAMPLE #2:**    Roof Area – 6000 Square Feet  
                          Maximum Rainfall/Hour – 6  
                          Inches (152.4 mm)  
                          Pipe Laid at 1/8 inch  
                          Slope (10.45 mm/m)
- Using the 1/4 inch slope (20.9 mm/m) table the horizontal pipe size will be 8 inches (203.2 mm). The available static head ['h'] needed to allow use of the 1/4 inch (20.9 mm/m) table is calculated as follows: 1/8 inch of head pressure per foot (10.45 mm per m) of horizontal pipe run becomes 1/8-inch x 100 feet = 100/8ths, or 'h' = 12½ inches (317.5 mm). NOTE: Sizing from 1/8 inch (10.45 mm per m) table would have required the horizontal pipe size to be 10 inches (254.0 mm), rather than the 8 inches (203.2 mm) made possible by use of the 1/4 inch slope (20.9 mm/m) table.
- (c) If the head ['h'] is equal to or greater than 10 feet (3.05 m) (for example, base of a stack), all horizontal pipe downstream of any such vertical section may be the same size as the vertical pipe to which it is connected."
61. Appendix F Medical Gas Systems. Current language is deleted and replaced with the following sections of NFPA #99, Health Care Facilities (1996 Edition) as amended by this section, which are incorporated by reference. The incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02169, and are on file with the Office of the Secretary of State:
- "F1 Scope
- (a) The provisions herein shall apply to the installation, testing, and certification of medical gas and vacuum piping for safe use in-patient care hospitals, clinics, and other health care facilities.
- (b) The purpose of this appendix is to provide minimum requirements for the installation, testing, and certification of medical gas and medical vacuum systems, from the point of supply to the user outlets or inlets. These provisions do not cover portable systems or cylinder storage requirements.
- F2 All medical gas and vacuum piping systems are to be installed and inspected based upon applicable language found in the following chapters of NFPA #99, Health Care Facilities (1996 edition):
- Chapter 1. Introduction.
- 1-1 Scope
- 1-2 Application. (Use 1st paragraph; delete 2nd paragraph)
- 1-3 Intended Use
- 1-4 Discretionary Powers of Authority Having Jurisdiction
- 1-5 Interpretations
- 1-6 Organization of This Document (subsections 1-6.1, 1-6.2, and 1-6.3)
- 1-7 Metric Units
- 1-8 Effective Date
- 1-9 Preface
- Add Sec. 1-10 to read: "Sections of NFPA 99, 1996 edition, which are not referenced are not mandated by the Arizona Uniform Plumbing Code."

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Chapter 2. Definitions.

2-1 Official NFPA Definitions

2-2 Definitions of Terms Used in the Standard

Chapter 4. Gas and Vacuum Systems.

4-3.1.1.2 Storage Requirements (Location, Construction, Arrangement)

4-3.5 Administration - Level 1

4-3.5.1 Responsibility of Governing Body

4-3.5.2 Gas System Policies - Level 1

4-3.5.2.1 Gases in Cylinders and Liquefied Gases in Containers - Level 1

4-3.5.2.2 Storage of Cylinders and Containers - Level 1

4-3.5.2.3 Patient Gas Systems - Level 1

4-3.5.3 Gas Systems Recordkeeping - Level 1

4-3.5.4 Gas Systems Information and Warning Signs - Level 1

4-3.5.4.1 (No Heading)

4-3.5.4.2 (No Heading)

4-3.5.4.3 (No Heading)

4-3.5.5 Gas System Transport and Delivery - Level 1

4-3.5.5.1 (No Heading)

4-3.5.5.2 (No Heading)

4-3.5.6 Vacuum Systems Policies - Level 1

4-3.5.6.1 Patient Vacuum Systems

4-3.5.7 Vacuum System Recordkeeping - Level 1

4-3.5.8 Vacuum System Information and Warning Signs - Level 1

4-3.5.8.1 Piping Distribution System

4-3.5.8.2 Gauge Identification

4-3.5.9 WAGD System Policies - Level 1

4-3.5.9.1 Maintenance

4-3.5.9.2 Performance Tests

4-4 Level 2 Piped Systems

4-4.1 Piped Gas Systems - Level 2

4-4.2 Piped Vacuum Systems - Level 2

4-4.3 Piped WAGD Systems - Level 2

4-4.4 Performance Criteria and Testing - Level 2

4-4.5 Administration - Level 2

4-5.5 Administration - Level 3

4-5.5.1 Responsibility of Governing Body

4-5.5.2 Gas System Policies - Level 3

4-5.5.2.1 (No Heading)

4-5.5.2.2 (No Heading)

4-5.5.2.3 Patient Gas Systems - Level 3

4-5.5.3 Gas System Recordkeeping - Level 3

4-5.5.4 Gas System Information and Warning Signs - Level 3

4-5.5.5 Gas System Transport and Delivery - Level 3

4-5.5.6 Vacuum System Policies - Level 3

4-5.5.7 Vacuum System Recordkeeping - Level 3

4-5.5.8 Vacuum System Information and Warning Signs - Level 3

4-5.5.9 WAGD System Policies - Level 3

4-6.5 Administration - Level 4

Chapter 12. Hospital Requirements.

12-1 Scope

12-3.4 Gas and Vacuum System Requirements

12-3.4.1 (No Heading)

12-3.4.2 (No Heading)

12-3.4.3 (No Heading)

12-3.4.4 (No Heading)

12-3.4.5 (No Heading)

Chapter 13. Ambulatory Health Care Center Requirements.

13-1 Scope

13-3.4 Gas and Vacuum System Requirements

13-3.4.1 (No Heading)

13-3.4.2 (No Heading)

13-3.4.3 (No Heading)

13-3.4.4 (No Heading)

13-3.4.5 (No Heading)

Chapter 14. Clinic Requirements.

14-1 Scope

14-3.4 Gas and Vacuum System Requirements

14-3.4.1 (No Heading)

14-3.4.2 (No Heading)

14-3.4.3 (No Heading)

14-3.4.4 (No Heading)

14-3.4.5 (No Heading)

Chapter 15. Medical and Dental Office Requirements.

15-1 General

15-1.1 Scope

15-1.2 Applicability

15-3.4 Gas and Vacuum System Requirements

15.3.4.1 (No Heading)

15.3.4.2 (No Heading)

15.3.4.3 (No Heading)

15.3.4.4 (No Heading)

15.3.4.5 (No Heading)

15.3.4.6 (No Heading)

15.3.4.7 (No Heading)

15.3.4.8 (No Heading)

15.3.4.9 (No Heading)

Chapter 16. Nursing Home Requirements.

16-1 Scope

16-3.4 Gas and Vacuum System Requirements

16-3.4.1 (No Heading)

16-3.4.2 (No Heading)

Chapter 17. Limited Care Facility Requirements.

17-1 Scope

17-3.4 Gas and Vacuum System Requirements

17.3.4.1 (No Heading)

17.3.4.2 (No Heading)

Chapter 19. Hyperbaric Facilities.

19-1 Introduction and Scope

19-3.3.3 (No Heading)

19-3.3.5 (No Heading)"

62. Appendix H 2 (a) is modified to read: "Interceptors shall be constructed in accordance with the design approved by the Administrative Authority and shall have a minimum of 2 compartments with fittings designed for grease retention. Grease interceptors shall be constructed of solid durable materials, not subject to excessive corrosion or decay, and shall be watertight."



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**Table A. Size Of Combustion Air Openings Or Ducts For Gas- Or Liquid-Burning Water Heaters**

<b>Column 1</b> <b>Existing Buildings of Ordinary Tightness</b>		<b>Column 2</b> <b>New Buildings and Unusually Tight Construction</b>	
<b>Condition</b>	<b>Size of Opening or Duct</b>	<b>Condition</b>	<b>Size of Opening or Duct</b>
Appliance in unconfined <sup>2</sup> space.	May rely on infiltration alone.	Appliance in unconfined <sup>2</sup> space: Obtain combustion air from outdoors or from space freely communicating with outdoors.	Provide 2 openings, minimum 50 sq. in. each opening. <sup>3</sup>
Appliance in confined <sup>4</sup> space 1. All air from inside building.	Provide 2 openings into enclosure each having 1 sq. in. (645mm <sup>2</sup> ) per 1000 btu/h input freely communicating with other unconfined interior spaces. <sup>3</sup> Minimum 100 sq. in. (0.06m <sup>2</sup> ) each opening.	Appliance in confined <sup>4</sup> space: Obtain combustion air from outdoors or from space freely communicating with outdoors.	Provide 2 openings into enclosure, minimum 50 sq. in. each opening. <sup>3</sup>
2. All air from outdoors: Obtain from outdoors or from space freely communicating with outdoors.	Use the methods listed for confined space as indicated in Column 2.		

<sup>1</sup> For location of opening, see Section 507.3.

<sup>2</sup> As defined in Chapter 2.

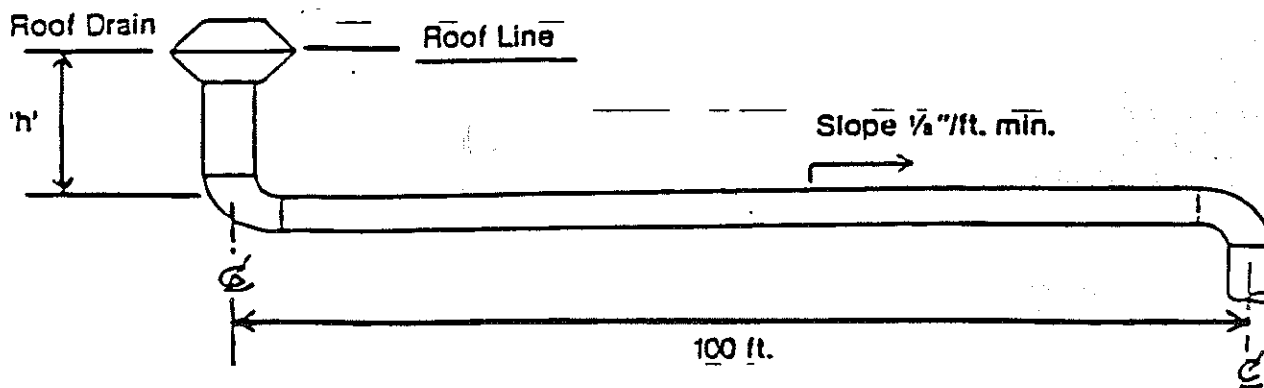
<sup>3</sup> When the total btu/h input rating of all enclosed appliances/equipment exceeds 100,000 btu/h, the combined net free area of all combustion air openings shall be increased by not less than 1 additional square inch (645mm) for each 1000 btu/h in excess of 100,000 btu/h.

<sup>4</sup> As defined in Section 202.0.

**Table B. Plumbing Material Standards**

<b>Materials and Products</b>	<b>ANSI</b>	<b>ASTM</b>	<b>FS</b>	<b>IAPMO</b>	<b>Other Standards</b>	<b>Footnote Remarks</b>
<b>PLUMBING FIXTURES:</b> Waterless Urinals	Z124.9			C-3346		

**Illustration A. Horizontal Rainwater Piping**



NOTICE OF FINAL RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

1. Sections Affected  
R19-2-109
- Rulemaking Action:  
Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):  
Authorizing statute: A.R.S. § 5-104(A)(2), (C) and (T)  
Implementing statute: A.R.S. §§ 5-104(T) and 5-107.01
3. The effective date of the rules:  
February 24, 1999
4. A list of all previous notices appearing in the Register addressing the final rule:  
Notice of Docket Opening: 4 A.A.R. 795, March 27, 1998.  
Notice of Proposed Rulemaking: 4 A.A.R. 1401, June 19, 1998.  
Notice of Public Hearing: 4 A.A.R. 1976, July 24, 1998.
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:  
Name: Dasha Marush  
Address: Arizona Department of Racing  
3877 North 7th Street  
Phoenix, Arizona 85014  
Telephone: (602) 277-1704  
Fax: (602) 277-1165
6. An explanation of the rule, including the agency's reasons for initiating the rule:  
The rule amendment was brought to the Department by the Jockeys' Guild and will change the starting point of the time-frame in which a jockey earns a mount fee from the time the jockey mounts the horse to the time the jockey weighs out for the race. This is the starting point that most of the other racing states use to determine when a jockey earns the mount fee. The amendment will also provide guidelines to determine under what circumstances a replaced jockey shall earn a mount fee and the specific amount the jockey will receive.
7. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:  
None.
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
None.
9. The summary of the economic, small business, and consumer impact:  
This rule change does involve the time when a jockey earns a mount fee and when a jockey deserves a double jockey mount fee. This will affect owners and trainers in that they may have to pay more to the rider in the case of the double jockey mount fee. Jockeys will be affected in that they will have a fairer opportunity to earn their money.
10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):  
Subsequent to an informal meeting on October 16, 1998, with the affected parties, all comments were addressed and the following changes in the wording of specific rules were requested and agreed upon: R19-2-109(A)(6) now includes a concise time-frame as to when a jockey will earn a double mount fee. R19-2-109(C)(3) now states the official weight a jockey is measured against. R19-2-109(D)(2)(d)(ii) wording was stricken because specific reference material is no longer in publication. Neither transcripts nor minutes of the October 16, 1998, meeting were taken.
11. A summary of the principal comments and the agency response to them:  
Although no written comments were submitted to the Department of Racing on the proposed rule change, several formal and informal meetings were scheduled and attended by the affected parties. The 1st meeting was held July 21, 1998. Transcripts of this meeting document concern by the Arizona Thoroughbred Breeders Association that the proposed change in rule R-2-109(A)(6) would cause an unfair financial hardship on racehorse owners. The Arizona Horsemen's and Benevolent Protective

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Association expressed similar concern. The matter was tabled until August 25, 1998, as no one from the Jockey's Guild was in attendance at the July 21, 1998, meeting.

A public hearing on the proposed rulemaking was held on August 25, 1998. The meeting was attended by all affected parties and resulted in a compromise to establish a deadline after which jockey changes would not be made without penalty. After discussion of this compromise proposal, the Arizona Thoroughbred Breeders still expressed some concern that it may prove costly to racehorse owners. Representatives from the Arizona Horsemen's Benevolent and Protective Association argued that a reasonable deadline would afford more than enough time for racehorse owners/trainers to take care of business and make rider replacements without incurring any financial obligation. Consideration of the new language was put on the agenda for the September 15, 1998, meeting of the Arizona Racing Commission.

During the September 15, meeting of the Arizona Racing Commission, Department officials and stewards revealed concerns regarding the amended language. The Department requested that the item be continued for 1 more month to allow time to address concerns.

A final meeting was scheduled for October 16, 1998, and resulted in agreement between the parties on revised language, which was approved by the Racing Commission on October 20, 1998.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None.
13. Incorporations by reference and their location in the rules:  
None.
14. Was this rule previously adopted as an emergency rule?  
No.
15. The full text of the rules follows:

**TITLE 19. ALCOHOL HORSE AND DOG RACING, LOTTERY AND GAMING**

**CHAPTER 2. ARIZONA RACING COMMISSION**

**ARTICLE 1. HORSE RACING**

Section

R19-2-109. Jockeys

**ARTICLE 1. HORSE RACING**

R19-2-109. Jockeys

**A. Generally:**

1. A All jockeys shall pass a physical examination by a physician designated by a the permittee. An Such examination is valid for a 12-month period. A The stewards may require that a any jockey take an additional physical examination be-reexamined if the steward reasonably suspects a jockey's health may endanger himself, his mount, or others, and A steward may refuse to allow any jockey to ride until the jockey successfully passes another such an examination. A The stewards or a steward's their designee may require that any jockey provide blood or urine samples for analysis upon request under as set forth in A.R.S. § 5-104 (C).
2. A jockey who is to rides in a race shall report to the jockey room at the time appointed as posted in the jockey room and shall remain in the jockey this room between races until all engagements for the day have been fulfilled.
3. A jockey shall wear Only standard jockey attire shall be allowed in official races.
4. Only a jockeys, an their attendants, and a racing officials are permitted in the jockey room.
5. A jockey is entitled to a mount fee when the jockey is weighed out by the clerk of scales except in the following cases: upon the command by the paddock judge to mount.
  - a. The jockey refuses to ride a mount without proper cause.

b. A steward replaces a jockey with a substitute jockey, unless the jockey is being replaced because of an injury received after weighing out and before the start of a race.

6. A jockey named at the draw by lot or by a steward can be replaced by an owner or trainer without payment of a mount fee by notifying a steward or the steward's designee by 9:00 a.m. the following entry day.
6. If a trainer engages two or more jockeys for the same race, the owner shall pay the losing fee for each jockey so engaged who does not ride in that race.
7. An owner or trainer shall pay a mount fee to a replaced jockey equal to the fee of the jockey who rides the race unless:

- a. An owner or trainer replaces a jockey by notifying a steward or the steward's designee no later than 9:00 a.m. MST on the day immediately preceding the day of the race. In such a case, an owner shall pay a losing fee for each jockey the owner replaces in a race. The Director may establish an earlier deadline for jockey changes in consultation with a permittee, steward, jockey, owner, and trainer, or their representatives at the race meeting. The Director shall not establish a deadline for jockey changes later than noon of a race day at any race meeting with an average daily handle of \$100,000.00 or less; or
- b. A replaced jockey or jockey's agent waives the fee.

**B. Equipment**

1. A bridle shall not be used in a races shall not that exceeds 2 pounds in weight.
2. A jockey shall use a whip used in a races shall be at least 1/4 inch in diameter but not more than and shall not

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exceed one pound in weight or 29 inches in length including the popper.

3. ~~A helmet, properly fastened, shall be worn by all jockeys, apprentice jockeys, exercise rider, pony person, and any other person mounted on a racing surface shall wear a properly fastened helmet, rider while exercising or ponying a horse.~~

C. ~~Weight; weighing, weighing~~

12. ~~An owner shall deposit a losing mount fee with a permittee before a A jockey is may be weighed out for a race. only if a fee for a losing mount in that race has been deposited with the permittee. If an owner fails failure to comply with this subsection paragraph may result, a steward may declare in the owner's horse which the jockey is to ride being declared out of the race.~~

24. ~~A jockey shall weigh out and weigh in for a race without a whip or a bridle.~~

3. ~~A jockey's weight is measured against the jockey's assigned weight as published in the official race program.~~

64. ~~A jockey shall not weigh No jockey shall be more than 1 one pound less than short of the such jockey's assigned weight published in the official program.~~

53. ~~A jockey shall declare the amount of overweight at the time of weighing out.~~

- a. ~~A jockey shall not ride in a race if No jockey shall pass the scale more than 2 two pounds overweight without the consent of the owner or trainer of the horse the jockey is to ride.~~

- b. ~~A jockey shall not ride in a race if No jockey shall pass the scale more than 7 seven pounds overweight without the consent of a steward.~~

- c. ~~A steward shall not disqualify a A horse shall not be disqualified because of any overweight the horse it might carry may have carried.~~

- d. ~~A permittee shall publicly post any Any overweight or change of weight different from that published in the official program shall be publicly posted or announced.~~

64. ~~Immediately after pulling up, a A jockey shall ride such jockey's horse to the place of weighing in, immediately after pulling up, dismount after obtaining permission from the official in charge, and wait present himself to be weighed by the clerk of the scales.~~

79. ~~A jockey shall not No jockey shall touch intentionally touch any person or thing other than the such jockey's own equipment before weighing in.~~

- a. ~~A jockey shall unsaddle the such jockey's own horse, unless the jockey has obtained permission from an the official in charge.~~

- b. ~~An attendant may touch a the horse only by its bridle unless the such attendant has obtained permission from an the official in charge.~~

- c. ~~A person shall not No one shall touch the equipment of a jockey who has returned to the winner's circle to dismount until the jockey has been weighed in unless the person has obtained permission permission has been obtained from the official in charge.~~

85. ~~A jockey who is not able to ride prevented from riding to the place of weighing in because of an accident or illness which disables either the such jockey or the such horse shall walk or be assisted to the scales.~~

7. ~~No jockey shall dismount before reaching the scales.~~

8. ~~No jockey shall dismount without equipment before weighing in.~~

D. ~~Apprentice jockeys,~~

1. ~~Licenses; certificates~~

- a. ~~An applicant application for an apprentice Apprentice jockey Jockey license License shall provide be accompanied by a certified copy of the applicant's birth certificate or other satisfactory evidence of the date of birth of the applicant.~~

- b. ~~A steward shall issue an An apprentice jockey license Apprentice Jockey Certificate shall be issued by the stewards if an the applicant:~~

- i. ~~Is more than over the age of 16 years of age and, if less than age under 18, has a parent or guardian signs the such apprentice jockey's license application assuming full financial responsibility for the applicant;~~

- ii. ~~Is approved working a horse out of the gate by the starter;~~

- iii. ~~Successfully demonstrates to a steward the ability to gallop or exercise a horse; Has experience in galloping or exercising a horse acceptable to the stewards and~~

- iv. ~~Has such apprentice jockey's the necessary own tack and other required wearing apparel.~~

2. ~~Expiration of license; weight allowance, Allowancees~~

- ae. ~~An apprentice jockey license expires when the apprentice jockey can no longer claim the weight allowances under set forth subsection (b). (2) below have been claimed. Upon expiration an apprentice jockey shall surrender the apprentice jockey license to the Department and shall be surrendered to the Department. If a the license expires during the term of the current licensing cycle period the Department shall issue a jockey license will be issued at no additional cost.~~

- ba. ~~An apprentice jockey who has not been licensed previously in any country may claim the an following allowances in all overnight races except handicaps as follows:~~

- i. ~~Five pounds, to be continued for one year from the date of the such apprentice jockey's 5th fifth winner.~~

- ii. ~~If an the apprentice jockey has not ridden a total of 40 winners within a period of 1 one year from the date of the such apprentice jockey's 5th fifth winner, the Department shall allow the jockey to claim the 5- five pounds, allowance shall continue to be continued for 3 three years from the date of the such apprentice jockey's 1st first winner or and until the such apprentice jockey has ridden a total of 40 winners whichever comes 1st.~~

- cb. ~~The calculation of the time for which an apprentice jockey can claim an allowance may be claimed shall not include time:~~

- i. ~~Time spent in in the armed forces; or~~

- ii. ~~Time during which The the apprentice jockey is physically incapacitated.~~

3. ~~d. An apprentice jockey may ride quarter horses in a race in which quarter horses are eligible to start, provided that:~~

- a-i. ~~An apprentice jockey allowancee shall not claim an apprentice jockey weight allowance be claimed in the such a race; and.~~

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b.ii. ~~The Department does not consider Riding a winner in the such-a race for the purpose of shall not be considered in computing the expiration of the right to claim an apprentice jockey allowances, in races restricted to thoroughbreds and included in the Monthly Chart Book of the Daily Racing Form.~~

**E. Prohibited acts**

1. ~~A jockey shall not No-jockey shall~~ ride in a race against a starter of ~~the such~~ jockey's contract employer unless both ~~the such~~ jockey's mount and the starter of ~~the such~~ jockey's contract employer are trained by the same trainer.
2. ~~A jockey shall not No individual jockey shall~~ fail or refuse to fulfill an engagement for a ~~certain~~ race or for a specified time unless:
  - a. ~~The the race or race card is races are canceled; or unless~~

b. ~~A steward excuses the jockey. is excused by the stewards.~~

3. ~~A jockey or a jockey's spouse shall not No-jockey or such-jockey's spouse shall~~ own, either in whole or in part, a horse registered for racing at ~~a the~~ track where ~~the such~~ jockey is riding.
4. ~~A jockey shall not No-jockey shall~~ engage in any pari-mutuel wagering betting transaction except through the owner of and on the horse ~~that which the such~~ jockey rides.
5. ~~A jockey attendant, jockey valet, or any licensee employed inside a jockey room shall not No-jockey attendants or jockey valets shall~~ place a bet for themselves or for another person during the time that they are acting under the authority of their license.
6. ~~A jockey shall not No-jockey shall~~ ride against a horse trained by ~~the such~~ jockey's spouse except as part of an entry.